THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20816 OF 2005

DATED:23.9.2005

Between:

Madiga Roganna

…Petitioner

And

The Special Collector (Land Acquisition)

Srisailam Project, Kurnool and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20816 OF 2005

ORDER:

The petitioner claims to be owner of land admeasuring Acs.23.58 in R.S.No.489 in Cherlopalli Village of Kurnool District. The said land was proposed to be acquired, along with land in other survey numbers, for Owk Reservoir. Enquiry under Section 5A of the Land Acquisition Act, 1894 was dispensed with and thereafter second respondent herein served notice in Form No.5A proposing to take possession within fifteen days. Curiously, petitioner filed this Writ Petition seeking a direction to respondents to conduct enquiry with regard to petitioner's land in R.S.No.489.

It is needless to mention that when the Government or the State exercises power under Section 17 of the Act dispensing with enquiry under Section 5A of the Act, it is not proper for this Court to issue Mandamus directing the respondents to conduct enquiry. Such a Mandamus would be contrary to law, especially when notification under Section 4(1) of the Act or the action of the respondents in dispensing with enquiry under Section 5A of the Act is not specifically challenged.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.9.2005

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